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Attorney for Plaintiff,
PHOENIX SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PHOENIX SOLUTIONS, INC., a
California corporation,

Plaintiff,

V.

WELLS FARGO BANK, N.A., a Delaware corporation, *et al.*

Defendants.

CASE NO. CV08-0863 MHP

**STIPULATION TO REMOVE
INCORRECTLY FILED DOCUMENT**

Date: December 1, 2008
Time: 2:00 p.m.
Hon. Marilyn H. Patel

1 Undersigned counsel for Phoenix Solutions, Inc. ("Phoenix") and for Wells Fargo Bank,
 2 N.A. and Wells Fargo Funds Management, LLC (collectively "Wells Fargo") hereby jointly
 3 respectfully submits this stipulation to remove "locked" Exhibit 2 of the Declaration of R. Joseph
 4 Trojan in Support of Phoenix's Reply to Wells Fargo's Opposition to Phoenix's Motion to Strike
 5 and/or Dismiss ("Trojan Decl.") from the ECF system.

6 1. On November 17, 2008, at 2:14 pm, Phoenix inadvertently efiled Exhibit 2 of the
 7 Declaration of R. Joseph Trojan in Support of Phoenix's Reply to Wells Fargo's Opposition to
 8 Phoenix's Motion to Strike and/or Dismiss, which was intended to be filed under seal. *See*
 Docket Entry 145.

9 2. The error was quickly recognized, and by 2:41 pm, Phoenix contacted the ECF
 10 HelpDesk and had the document locked.

11 3. A corrected version of the document was subsequently efiled on 3:03 pm. *See*
 Docket Entry 147.

12 4. After conferring, the parties determined it would be mutually beneficial to
 13 stipulate to the removal of the locked document from the ECF system.

14 5. Counsel for Phoenix and Wells Fargo therefore stipulate to, and respectfully
 15 request, an Order removing "locked" Exhibit 2 to Trojan Decl. found in Docket Entry 145 from
 16 the ECF system.

17
 18 Respectfully submitted,
 19 TROJAN LAW OFFICES
 by

20 Dated: November 17, 2008

/s/R. Joseph Trojan
 R. Joseph Trojan
 Attorney for Plaintiff,
 PHOENIX SOLUTIONS, INC.

23 KEKER & VAN NEST, LLP
 24 by

25 Dated: November 17, 2008

/s/Sonali D. Maitra
 Sonali D. Maitra
 Attorneys for Defendants,
 WELLS FARGO BANK, N.A.
 WELLS FARGO FUNDS MANAGEMENT, LLC

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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO**

9 PHOENIX SOLUTIONS, INC., a
10 California corporation,

11 Plaintiff,

12 v.

13 WELL'S FARGO BANK, N.A., a Delaware
14 corporation, *et al.*

15 Defendants.

16 CASE NO. CV08-0863 MHP

17 **[PROPOSED] ORDER GRANTING**
STIPULATION TO REMOVE
INCORRECTLY FILED DOCUMENT

18 Date: December 1, 2008

19 Time: 2:00 p.m.

20 Hon. Marilyn H. Patel

21 TROJAN LAW OFFICES
BEVERLY HILLS

1 Upon the joint stipulation of the parties, and for good cause appearing,
2 IT IS HEREBY ORDERED that locked Exhibit 2 to the Declaration of R. Joseph Trojan
3 in Support of Phoenix's Reply to Wells Fargo's Opposition to Phoenix's Motion to Strike and/or
4 Dismiss, found at Docket Entry 145, be removed from the ECF system.

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7 Dated: 11/18/2008



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